

INTRODUCTION

The California Department of Water Resources (DWR) is preparing an application for the relicensing of its Lake Oroville Facility (Map 1) by the Federal Energy Regulatory Commission (FERC). By prior agreement with FERC, the application process will follow an Alternative Licensing Procedure (ALP). Under an ALP, the relicensing process is tailored to address specific issues and concerns to facilitate efficient compliance with state and federal environmental and other statutes and guidelines, including Section 106 of the National Historic Preservation Act (NHPA). Use of the ALP instead of traditional relicensing procedures encourages collaborative participation between state, federal, and tribal governments and other interested parties. Through the collaborative process, the ALP provides an opportunity for all participants to have an active voice in relicensing issues and the eventual terms and conditions under which FERC may grant a new license. Thus, the ultimate goal of this approach is to achieve a broad consensus among the participants to insure that none are disenfranchised by the process.

At the heart of the ALP is a three-tiered structure, in which both public and private groups and individuals can participate at any level. The Plenary Group serves to develop the final terms and agreements attached to the licensing application submitted to FERC, by integrating the work and recommendations of more specialized Work Groups. The Work Groups serve as a forum in which to reach agreement on specific concerns and appropriate studies relating to particular topics, such as those involving cultural resources protected under Section 106 of the NHPA. Finally, there are Task Forces, comprising members of one or more Work Groups, which are formed to explore specific issues and report back to the larger Work Group(s). The discussion that follows reflects the recommendation for one of four cultural resource studies developed by the Cultural Resource Work Group (CRWG) and in conjunction with the Maidu Advisory Council (MAC), composed of representatives from local Native American tribes. This document, then, constitutes a research design intended to structure and guide cultural resources inventory efforts attending the Lake Oroville relicensing program.

NEED FOR THE STUDY/RELATIONSHIP TO RELICENSING

As a federal undertaking, activities associated with the relicensing of Lake Oroville must comply with Section 106 of the NHPA and its sister legislation promulgated under the California Environmental Quality Act (CEQA). Briefly, Section 106 requires federal agencies (in this case FERC) to consider the effects of their undertakings on important cultural resources, and to provide the Advisory Council on Historic Preservation (ACHP) reasonable opportunity to comment. This is accomplished through the "Section 106 Process" outlined by the ACHP and codified at 36 Code of Federal Regulations Part 800, which specifies how cultural resources ought to be identified, evaluated, and treated.

Given legal requirements to protect and safeguard important cultural resources under the NHPA, and the interests expressed by members of the CRWG, relicensing of the Lake Oroville Facility must consider potential impacts or effects to cultural properties that might occur from the continued operation and maintenance of the facility. This requires, in turn, that real information or data be obtained on the number and type of cultural resources within the Lake Oroville area of